

MEETING MINUTES

EMPIRE STATION COMPLEX COMMUNITY ADVISORY COMMITTEE WORKING GROUP

DATE/TIME: November 4, 2021 / 6:00pm EST
November 9, 2021 / 4:00pm EST

WEEK #: 13 & 14

SUBJECT: ESD Staff Response to CACWG
Recommendations for GPP

MEETING LEADER: ESD (with Amtrak)

The following minutes prepared by Empire State Development (ESD) are a combined summary of CACWG Meetings #13 and #14 and are intended to capture only the main points made in the meetings. Discrepancies should be reported to Gabriella Green at ESD **within three (3) calendar days** of distribution of this document.

PARTICIPANTS:

NAME	MTG	ORGANIZATION / AGENCY	NAME	MTG	ORGANIZATION / AGENCY
Sen. Brad Hoylman	14	NYS Senate	Marrissa Williams	13	32BJ
AM. Richard Gottfried	13/14	NYS Assembly	Gary LaBarbera	13	Building & Construction Trades Council of NY
Shelby Garner	13	U.S. Congresswoman Carolyn Maloney	Santos Rodriguez	14	Building & Construction Trades Council of NY
Betsy Schmid	13/14	U.S. Congresswoman Carolyn Maloney	Basha Gerhards	13/14	Real Estate Board of New York
Robert Atterbury	13/14	U.S. Congresswoman Jerrold Nadler	Brook Jackson	14	Partnership for New York City
Robert Gottheim	13	U.S. Congresswoman Jerrold Nadler	Dan Biederman	14	34 th Street Partnership
Maia Berlow	13/14	NYS Senator Brad Hoylman	Elizabeth Goldstein	13/14	The Municipal Art Society of NY
Jacob Priley	13/14	NYS Senator Brad Hoylman	Rachel Weinberger	13	Regional Plan Association
Samuel Vasquez	14	NYS Senator Brad Hoylman	Tom Wright	13/14	Regional Plan Association
Johanna Garcia	13/14	NYS Senator Robert Jackson	Felicia Park-Rogers	13/14	Tri-State Transportation Campaign
Dario Quinsac	13/14	NYS Senator Robert Jackson	Renae Reynolds	14	Tri-State Transportation Campaign
Wendi Paster	13/14	NYS Assemblyman Richard Gottfried	Wendy Hilliard	13	Women's Sports Foundation
Matt Tighe	13/14	NYS Assemblyman Richard Gottfried	Christine Berthet	13/14	Community Board 4
Lizette Chaparro	13/14	Manhattan Borough President's Office	Paul Devlin	13/14	Community Board 4
Paul Goebel	13/14	Manhattan Borough President's Office	Jeffrey LeFrancois	14	Community Board 4
Brian Lewis	13/14	Manhattan Borough President's Office	Lowell Kern	13/14	Community Board 4
Andrew Lassiter	13/14	NYC Council	Vikki Barbero	14	Community Board 5
Raju Mann	13/14	NYC Council	Layla Law-Gisiko	13/14	Community Board 5
Kevin Finnegan	13	Labor lawyer, formerly 1199	E.J. Kalafarski	13/14	Community Board 5
Hannah Birnbaum	14	32BJ	Clayton Smith	14	Community Board 5
Denis Johnston	14	32BJ	Eugene Sinigalliano	13/14	Resident Representative

NAME	MTG	ORGANIZATION / AGENCY	NAME	MTG	ORGANIZATION / AGENCY
Tokumbo	14	The New School	Holly Leicht	13/14	ESD
Shobowale					
Marilyn Taylor	13/14	University of Pennsylvania	Phil Maguire	13/14	ESD
Jeremy Dambach	14	Amtrak	Marion Phillips	13/14	ESD
Petra Messick	13/14	Amtrak	Noah Rayman	13/14	ESD
Anthony Navarro	14	Amtrak	Angel Santana	13/14	ESD
Craig Schulz	13/14	Amtrak	Anthony Semancik	13/14	ESD
Sharon Tepper	13/14	Amtrak	Noura von Briesen	13/14	ESD
Jeremy Colangelo-	14	NJ Transit			
Bryan					
Todd Discala	14	NJ Transit			
Joseph Quinty	13	NJ Transit			
Peter Matusewitch	14	MTA			
Robert Paley	13/14	MTA			
Will Schwartz	13	MTA			
Edith Hsu-Chen	13/14	NYC Department of Planning			
Stephan Johnson	13/14	NYC Department of Planning			
Ezra Moser	13	NYC Department of Planning			
Joshua Simoneau	13/14	NYC Department of Planning			
Rich Wang	13/14	NYC Department of Planning			
Josh Kraus	13	NYCEDC			
Justin Birzon	13/14	Albany Strategic Advisors			
Alison Lee	13/14	Albany Strategic Advisors			
Barry Langer	13/14	Vornado			
Judy Kessler	13/14	Vornado			
Carl Weisbrod	13/14	Vornado (Consultant)			
Audrey Wilson	13/14	Vornado			
Chi Chan	13/14	AKRF			
Connor Lacefield	13/14	AKRF			
Kei Hayashi	13/14	BJH Advisors			
Edward Lamson	14	BJH Advisors			
Michael Meola	13	BJH Advisors			
Tom Rousakis	14	Ernst & Young			
Matthew Tester	13/14	Ernst & Young			
Stephen	13/14	FX Collaborative			
Dallendorfer					
Deniz Onder	13/14	FX Collaborative			
Jack Robbins	13/14	FX Collaborative			
John Schuyler	13/14	FX Collaborative			
Amy Shell	13	FX Collaborative			
Toby Snyder	13/14	FX Collaborative			
Claire Weisz	13/14	WXY			
Terence Cho	13/14	ESD			
Richard Dorado	13/14	ESD			
Anabel Frias	13/14	ESD			
Gabriella Green	13/14	ESD			

Item #	Description / Discussion
1.	<u>INTRODUCTION</u> <ul style="list-style-type: none">Marion Phillips, Senior VP of Community Relations at ESD, opened the meeting and explained that ESD will present the proposed revisions to the plan on both November 4 and 9 to accommodate the majority of CACWG members' schedules. Members of the CACWG are welcome to attend either or both sessions. The following meetings combine the two minutes since the presentation was the same, with the exception that Amtrak provided an overview of its plan for the Seventh Avenue entrance to Penn, as requested by the CACWG at the November 4 meeting.Holly Leicht also informed the CACWG that ESD received a Freedom of Information Law ("FOIL") request for some CACWG presentations and minutes and would be releasing the relevant materials and posting them on the ESD website in response.
2.	<u>ESD PRESENTATION: CACWG RECOMMENDATIONS AND ESD STAFF RESPONSE</u> <ul style="list-style-type: none">The CACWG members asserted the following goals for the group when it was formed in March 2021:<ul style="list-style-type: none">➤ Discuss and try to resolve obstacles to an improved and cohesive Penn Station and Penn District➤ Develop a set of recommendations for ESD on next steps for the General Project Plan ("GPP") and provide feedback to the Railroads through their ongoing Penn Station planning processionRecommendations from the CACWG were submitted to ESD and MTA in August 2021 and focused on:<ul style="list-style-type: none">➤ Governance/Engagement➤ Public Realm➤ Transportation➤ 2 Penn & MSG➤ Human Assets➤ Development Framework➤ Financing➤ Environment➤ Workforce ParticipationESD staff carefully reviewed the CACWG's recommendations and will share proposed revisions to the GPP based on those recommendations and other community input.ESD plans to release these proposed revisions and hold a public hearing on December 8, followed by an extended public comment period, to allow for thorough public review and comment on the proposed revisions as well as the DEIS.The plan may be further revised based on the hearing and public comments, before being brought to the ESD Directors for consideration in Spring 2022.Note that this presentation and proposed revisions only address the CACWG recommendations within the scope of the GPP. Other recommendations have been shared with the relevant agencies/entities for their consideration.
3.	<u>ESD STAFF PROPOSED REVISIONS: GOVERNANCE/ENGAGEMENT</u> <ul style="list-style-type: none">ESD will continue meeting with the CACWG bi-monthly or as needed through project build-out.For Sites 4-8, Vornado ("VNO") has committed to presenting each proposed building to the CACWG and Community Boards 4 and/or 5 for advisory input. ESD will mandate the same in any future RFPs for Sites 1-3, should those sites go forward as the preferred alternative for Penn Expansion.ESD will solicit input from the CACWG before drafting any future Requests for Proposals for Sites 1-3 and any future modifications to the General Project Plan.ESD will set up quarterly Quality of Life public meetings during project build-out and will assign a Quality of Life liaison who will send regular email blasts to community stakeholders regarding construction activities.

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	<ul style="list-style-type: none"> • Upon approval of the GPP, ESD will also launch a cross-jurisdictional “Penn Area Public Realm Task Force”, somewhat like that created as part of the East Midtown Rezoning. The Public Realm Task Force would consist of representatives from: <ul style="list-style-type: none"> ➤ ESD ➤ MTA ➤ Amtrak ➤ New Jersey Transit ➤ NYC DOT ➤ NYC DCP ➤ U.S. Congressmembers ➤ NYS Senators and Assemblymember ➤ Manhattan Borough President ➤ New York City Councilmember ➤ Manhattan Community Boards 4 and 5 ➤ Civic organization(s) ➤ Developers of the GPP Sites (to be added as each site is redeveloped) ➤ MSG • The Public Realm Task Force would develop: <ul style="list-style-type: none"> ➤ A “Penn Area Public Realm Concept Plan” that includes a prioritized list of desired public realm improvements in the Project Area and immediately adjacent thereto ➤ Guiding principles for public realm design (such as thermal comfort) and operations (such as respect for the homeless) ➤ Programming ideas for the Block 780 public open space and shared streets • ESD will also set up and administer a “Penn Area Public Realm Fund” that will be spent in accordance with the final Public Realm Concept Plan. This fund would be seeded by an early portion of the real estate revenues generated by the GPP sites in order to begin work quickly on certain public realm improvements. • ESD will not take the GPP through ULURP.
4.	<u>ESD STAFF PROPOSED REVISIONS: PUBLIC REALM</u> <ul style="list-style-type: none"> • The GPP will recommend that NYC Department of Transportation (“NYC DOT”) study making 31st Street between Seventh and Eighth Avenues a shared street, in addition to the previously recommended shared streets on 32nd Street between Sixth and Seventh Avenues and 33rd Street between Sixth and Ninth Avenues. • ESD would impose a site-by-site public space requirement for each GPP site based on the formula used in the East Midtown Rezoning. As a result, more public space than was required in the original GPP will now be mandated as part of the development of the GPP sites. The minimum percentage of each footprint that must count as public space, as shown on Slides 8 and 9, will be: <ul style="list-style-type: none"> ➤ Site 1A: 5% ➤ Site 1B: 17% ➤ Site 2: 44% (includes midblock plaza) ➤ Site 3: 17% ➤ Site 4: 15% ➤ Site 5: 17% ➤ Site 6: 17% ➤ Site 7: 17% ➤ Site 8: 17% • Site 1A is smaller because it is an extremely constrained site. The size of the public space on Block 780 (Site 2) is much larger, comparable in size to Rockefeller Plaza.

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	<ul style="list-style-type: none"> • With regard to pedestrian flow projections, the Railroads project 70% of future pedestrian flows will travel northeast from and to Penn Station, while only 30% travel to and from the west of Penn Station. However, to respond to the possibility that over time more than 30% of pedestrian flows be from and to the west, ESD will develop a Transportation Monitoring Plan (TMP) with NYC DOT that will require updated analyses of traffic and pedestrian flows at key milestones during build out. Based on those analyses, adjustments to mitigation requirements would be made as appropriate. • Analysis at each milestone would likely include travel demand surveys, updated traffic and pedestrian counts, and new mitigation strategies as appropriate. • The milestones at which new analysis would be required include: <ul style="list-style-type: none"> ➤ Completion and occupancy of Phase 1 (Penn projects & Site 7 completed) ➤ Completion and occupancy of Phase 2 (Half of Sites 1-8 completed) ➤ Full build-out • The TMP analysis and mitigation would be funded through an escrow account or paid directly by the developers of the GPP Sites. • Loss of any existing publicly owned private space (“POPS”) associated with 1 Penn Plaza would have to be accounted for. On Site 4, the new transit entrance was determined to be adequate replacement for the POPS, per the Moynihan GPP. For Site 5, one or a combination of the following would have to be implemented to compensate for the total amount of existing POPS: <ul style="list-style-type: none"> ➤ Removal of bonused floor area; ➤ Provision of new onsite privately owned public space; and/or ➤ Payment into the ESC Public Realm Fund at fair market value for any remaining bonused floor area not accounted for through provision of new POPS.

5. **ESD STAFF PROPOSED REVISIONS: TRANSPORTATION**

- In response to the CACWG’s recommendation for a train hall presence on the Penn Expansion blocks, ESD will put forth two options in the GPP, the selection of which would be made if those blocks are selected for the Penn Expansion and after the engineering and design work is further along:
 - Existing midblock train hall proposal, or
 - A train hall with frontage on Seventh Avenue, which would reduce the size of the midblock plaza
- For both options, the height and width of the proposed train hall would be the same as that of Moynihan Train Hall (“Moynihan”), and the depth would be half of the depth of Moynihan.
- The GPP will prioritize at-grade pedestrian improvements with the addition of new transit entrances on every GPP site within building footprints and off sidewalks, as shown on Slide 16.
- The new at-grade entrances would be integrated into a new underground pedestrian network to relieve congestion on sidewalks and at existing Penn Station and support increased capacity. The GPP will carry forward options for an east-west pedestrian tunnel either underneath 33rd Street, which would entail the rebuilding and expansion of the closed Gimbels passageway, or underneath 32nd Street, both of which would connect Penn Station to the Herald Square subway station.
- The GPP and Design Guidelines (“DGs”) will call for multiple new “main” entrances to Penn Station in addition to the existing one on 32nd Street and Seventh Avenue, helping to better distribute users and alleviate pinch points. Examples include:
 - A double-height entrance on the corner of 34th Street and Seventh Avenue, a major gateway into the Penn area, and
 - A significant entrance on 33rd Street and Eighth Avenue, which is where the Long Island Railroad (“LIRR”) Concourse meets the A/C/D subways and the underpass to Moynihan. This entrance will allow for direct ADA-accessible entry/exit on the east side of Eighth Avenue.

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	<ul style="list-style-type: none"> The following CACWG Transportation topics and recommendations are outside the GPP scope so are not addressed in the proposed revisions but have been shared with the appropriate responsible agencies/entities, identified in parentheses: <ul style="list-style-type: none"> ➤ Penn Reconstruction (Railroads + VNO + MSG): <ul style="list-style-type: none"> ○ Address platform size and safety at existing Penn ○ Make Penn one concourse, not two ○ Replace 2 Penn and/or disentangle entrances and create a significant Penn entrance on Seventh Avenue (+VNO & MSG) ○ If not moving MSG, shift entrance to Eighth Avenue (+MSG) ➤ Penn Expansion (Railroads + ESD): <ul style="list-style-type: none"> ○ Ensure flexibility for future (including capacity for through-running) ○ Connect expansion to Moynihan ○ Provide a significant at-grade train hall on Seventh Avenue ○ Preserve historic resources ○ Ensure any condemnation is done by the entity with the most tenant-friendly laws ➤ Reconstruction + Expansion (Railroads): <ul style="list-style-type: none"> ○ Integrate ticketing and wayfinding/signage among Railroads ○ Expand resources for multi-mode mobility in Penn Station (bike share, bike parking, on-demand rides) ○ Open a local hiring office for the railroad projects ➤ MSG Improvements (MSG + Railroads + Public Realm Task Force): <ul style="list-style-type: none"> ○ Improve Penn and transit entrances on corners of MSG ○ Accommodate MSG loading and other operations below grade and off streets ➤ Multi-mode transportation around Penn Station (bike share, bike parking, on-demand rides) (Railroads + NYC DOT + MSG + VNO + Public Realm Task Force) ➤ Bus corridor on 34th Street (MTA + NYC DOT)

6. **AMTRAK PRESENTATION: PENN STATION AND FRONTAGE ON SEVENTH AVENUE AT 32ND STREET**

- In response to inquiries from CACWG members at the November 4 meeting about Amtrak's plans for the main entrance to Penn at Seventh and 32nd Street, Petra Messick, Director of Planning, Gateway Program at Amtrak, provided an overview of Amtrak's larger plans at existing Penn. This section is in italics to denote that it is not part of the GPP or proposed revisions.*
- As the owner and landlord of this critical national asset and an employer and member of the midtown Manhattan community, Amtrak takes its responsibilities at Penn very seriously and is always looking to increase safety and improve the passenger experience for all users.*
- Currently, Penn Station is the busiest station in Amtrak's network, with over 10 million passenger trips per year among all the Railroads and subway. Penn Station also generates \$1 billion in ticket revenues and \$15M annually from retail leasing and advertising which offsets reliance on federal financial support.*
- New Jersey Transit ("NJT") and LIRR lease concourse space from Amtrak.*
- In the last five years, Amtrak has invested more than \$300 million in Penn Station, including:*
 - *Penn Station Renewal (2017), a rebuild of critical 'A' interlocking and several platforms to significantly improve reliability and safety;*
 - *Upgrades to the Ticketed Waiting Area and other concourse areas; and*
 - *Improvements to station lighting, platforms and wayfinding.*
- Amtrak has also made significant improvements in accessibility to Penn Station, including two elevator renovations to ensure accessibility for passengers at the mid-block and to the lower level.*
 - *Amtrak does not have accessible entrances (elevators) today on Seventh Avenue, so passengers must walk to mid-block.*

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	<ul style="list-style-type: none"> ➤ They are currently upgrading all doors to be fully automatic at mid-block and Eighth Avenue entrances for ease of access. ➤ Amtrak will spend more than \$1.7 billion nationally on accessibility projects over the next 7 years.
	<ul style="list-style-type: none"> • Amtrak will be starting a public art program at Penn Station in the next year and is currently looking for locations for secured bicycle parking at Penn Station. • On Seventh Avenue, Amtrak has an easement for the entrance to Penn Station and is working with VNO to improve this entrance. • As Barry Langer explained during CACWG #13, VNO plans to rebuild this entry in a public-private partnership with Amtrak to disentangle the multiple entry points here and improve pedestrian flows into Penn Station, 2 Penn Plaza and MSG, all of which are entered at this location. As part of the plans, VNO will move the lobby to 2 Penn Plaza to the 33rd Street corner to divert office users away from the 32nd street entry to Penn. VNO will also give up the two retail stores on either side of the 32nd Street entrance to allow Amtrak to increase the width of the Penn entry by 50% and will replace the existing canopy roof with a glass skylight to allow more light into Penn Station. • Amtrak saw this as an opportunity to install an ADA-accessible elevator at this location and make other improvements to this entrance, including the addition of a new escalator bringing the total number from two to three. • Amtrak is investing \$45 million into the project, coupled with a much larger investment from VNO. • Currently, this project is going through a federal National Environmental Policy Act (“NEPA”) review process. Amtrak expects that at the conclusion of the NEPA process, the Federal Railroad Administration (“FRA”) will issue a “categorical exclusion” for this project. • The work to improve the Seventh Avenue entrance will not preclude future investments and improvements at Penn Station as part of the Penn Station Master Plan (“PSMP”) or the GPP.

7. **ESD STAFF PROPOSED REVISIONS: HUMAN ASSETS**

- If displaced, the Antonio Olivieri Center, which provides drop-in services to homeless clients, would be given the right to return, if desired, to the project area in a larger space that would enable it to increase capacity. Early conversations with Center staff suggest it may prefer to only relocate once, in which case ESD would work with the Center to find a suitable, larger space in proximity to its current location near or within the Project Area.
- Community facility use would now be required on the ground floor of Site 1A. ESD would work with the CACWG and community to identify preferred uses for the space to include in any future RFP.
- In any RFP(s) for Sites 1-3, ESD would set aside space and work with the CACWG and community to request innovative ideas for providing homeless and other social services within the Project Area. ESD has begun discussing ideas for augmenting homeless services with Senator Hoylman and will work with him to expand this dialogue to providers and other experts in the field.
- If Penn Expansion happens on Sites 1-3, Site 1A would be required in the GPP to be residential rental to prioritize and ensure early residential development.
 - The site would maximize the legally allowable amount of residential at 12 FAR equivalent (as per New York State Multiple Dwelling Law (“MDL”)), should that law not be changed prior to development (ESD and HCR are reviewing the CACWG’s proposal to change the MDL to allow for more residential development).
 - A 12 FAR equivalent building on Site 1A would result in ~542 units, of which ~162 (30%) would be permanently affordable.
 - All displaced residents who income certify would have a right to return to an affordable unit on Site 1A. (Note: there are currently 128 residences on Sites 1-3; 99 are rental units, of which 26 are rent regulated.)
- If Penn Expansion happens on Sites 1-3, Site 1B would be added as a third mixed-use alternative site in the GPP (in addition to Sites 4 and 8). At the time any RFP would be issued, ESD would consult with the CACWG and community in determining whether the RFP would require mixed-use development.

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	<ul style="list-style-type: none"> The GPP would create a “piggybank” of residential square footage totaling approximately 1,256 units for these 3 sites, available on a “first come, first served” basis. In total, up to 1,798 residential units could be built across four buildings, of which 539 would be permanently affordable.

8. **ESD STAFF PROPOSED REVISIONS: DEVELOPMENT FRAMEWORK**

- Under the proposed revisions, no GPP site will exceed a 30 FAR equivalent. The densities on Sites 2, 3, 5 & 6 have been reduced as follows:

Site	Old FAR	New FAR
2 (blended)	33	28
3	33	30
5	33	30
6	31	30

- Density on Blocks 754 and 780 (Sites 1 and 2) would be significantly reduced and reconfigured to step down from east to west:

Site	Old FAR	New FAR
2B	30	30
2A	36	26
1B	26	21
1A	7.7	13

- The density for Site 1A would be increased to allow for the maximum amount of residential development permitted under the MDL. However, the GPP will reduce the maximum allowable height for Site 1A from 400’ to 350’.
- In summary:
 - Incremental Buildable Gross Square Feet (above current allowable amount) drops from 8,229,282 to 6,858,522 GSF, a **17% reduction**.
 - Total Buildable Gross Square Feet reduces from 19,645,457 to 18,274,698, a 7% reduction.
 - The reduction of 1.37 million GSF reduction is equivalent to eliminating one supertall building.
- In response to the CACWG’s recommendation to lower the base heights on Eighth Avenue to be more comparable to those of Moynihan, the base heights for Sites 1B, 2 and 4 have been reduced from 200’ to between 120’ and 150’, stepping down from east to west across all of the GPP sites.
- At the request of Layla Law-Gisiko, ESD analyzed views of the Empire State Building from points along 33rd and 34th Streets, and Manhattan West.
 - Because of the large width of 34th Street, there are many views of the ESB that would be unaffected by the GPP development.
 - The Design Guidelines will be revised to put in place stricter setback controls for Site 6 on 33rd Street to allow for better views of the ESB, specifically allowing for sky to be visible on both sides of the spire. The southeast corner of the building above 500’ would also be eliminated.
- Stricter design controls to promote active street frontages would include:
 - Decreasing allowable street frontage of primary lobbies in correlation with lot size as follows:
 - Small sites (1A & 4): 100’ to 40’
 - Medium sites (1B, 3, 5 & 6): 100’ to 60’
 - Large sites (2A, 2B, 7, 8): 100’ to 90’
 - Each building would be allowed only one primary lobby, and all sites except Site 1A must provide a direct internal entrance in the lobby to a subway, Penn Station or the below-grade pedestrian

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	<p>concourse, and/or an at-grade public through-block connection. The concept of an “enhanced lobby” would be eliminated in the GPP, as these improvements would be required.</p> <ul style="list-style-type: none"> ➤ Any additional lobby would be limited to a 40’ frontage, and no building could have more than three additional lobby entrances. ➤ The required ratio of active street frontage would be increased from 35% to 40% active uses (lobbies do not count as active uses). ➤ Storefronts on shared streets could not exceed 50’ to encourage small, neighborhood retail and pedestrian activity. <ul style="list-style-type: none"> • Allowable parking in the Project Area would be reduced from the current 2,508 spaces to no more than 800 spaces, a reduction of 68%. Additionally: <ul style="list-style-type: none"> ➤ No parking would be allowed on Sites 1-3. ➤ Sites 4,6,7 and 8 would be allowed no more than 100 spaces per site, and parking would not be required on any site. ➤ 1 Penn Plaza’s 665 parking spaces would be reduced to 400 when Sites 4 and 5 are built. ➤ In-building bicycle parking would be doubled from current zoning requirement to 3,000 spaces across the Project Area. It is estimated that fewer than 400 bicycle parking spaces exist today in the Project Area.
9.	<p><u>ESD STAFF PROPOSED REVISIONS: FINANCING</u></p> <ul style="list-style-type: none"> • Since the CACWG was last briefed on possible funding sources, additional commitments have been identified that reduce reliance on GPP revenues for upfront funding. These include: <ul style="list-style-type: none"> ➤ \$1.3B New York State 2021 budget appropriation ➤ \$2.7B New York State capital plan commitment to Hudson Tunnel Project ➤ \$1.25B PANYNJ contribution to Hudson Tunnel Project attributed to New York State • Other updates related to maximizing public benefits include: <ul style="list-style-type: none"> ➤ No agreement has yet been reached with the City, but ESD has proposed that the City would continue to receive the equivalent of current property tax revenues, as adjusted, so there is no loss of revenues for the City. ➤ Development rights and land values would be priced at fair market value prior to development, and PILOT agreements would include ongoing adjustments to PILOT payments. ➤ GPP will require that any development-related revenues to the State are dedicated to the Penn railroad projects and transit and public realm improvements. • In summary, any NY State appropriations would go directly to the MTA for the Penn projects and GPP transit improvements, while any GPP revenues would be passed through ESD to the City for current taxes as adjusted and the remainder to the MTA or other entity overseeing the Railroad projects and transit improvements, and the entity responsible for overseeing the Public Realm Fund.
10.	<p><u>ESD STAFF PROPOSED REVISIONS: ENVIRONMENT: MITIGATING CONSTRUCTION / BUILD CARBON NEUTRAL</u></p> <ul style="list-style-type: none"> • There would be a detailed, enforceable plan for construction mitigation such as requiring drilling rather than driving piles, electric powered equipment, required use of Ultra Low Sulfur Diesel fuel, Best Available Tailpipe Reduction Technologies for engines on non-road vehicles of 50 horsepower or greater, and noise and air quality monitoring throughout construction. • Public Quality of Life meetings and a Quality of Life community liaison would ensure ongoing oversight and monitoring through project build-out. • All buildings would be built to be fully electric (except for emergency back-up generators, per NYC DOB mandate) and compliant with Local Law 97 to achieve carbon neutrality when NYC/NYS “green the grid” (projected by2040). • Energy efficient materials, such as triple pane glass windows, and energy conservation strategies would be mandated.

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11.	<p><u>ESD STAFF PROPOSED REVISIONS: WORKFORCE PARTICIPATION</u></p> <ul style="list-style-type: none"> • Construction of all buildings would be covered by a Project Labor Agreement (“PLA”) or other form of agreement negotiated with the trades. • ESD and/or the Railroads would work with community-based organizations to explore local hiring agreements closer to the time of construction of the railroad projects. • MWBE goals (currently 30%) would apply to construction of all buildings.
12.	<p><u>ESD PRESENTATION: CURRENT GPP TIMELINE</u></p> <ul style="list-style-type: none"> • As the Governor announced on November 3, 2021, the public hearing for the GPP will be on December 8, 2021, followed by at least 30 additional days for public comment, with the goal of going back to the ESD Directors in Spring 2022. • If the GPP is approved, ESD would immediately launch the Public Realm Task Force.
13.	<p><u>Q&A AND COMMENTS: CACWG #13</u></p> <ul style="list-style-type: none"> • Eugene Sinigalliano, Resident <ul style="list-style-type: none"> ➤ Will rent-stabilized tenants be able to maintain their rent stabilization status if they are displaced? Current tenants may not qualify for the new affordable units, but the market rate units may be unaffordable to those tenants currently under rent stabilization. <ul style="list-style-type: none"> ○ Any residents who return to an affordable unit will need to income-qualify for the unit. The income levels of those affordable units have not yet been determined. • Elizabeth Goldstein, MAS <ul style="list-style-type: none"> ➤ What will the relationship be among the CACWG, Public Realm Task Force, and the new yet-to-be-formed Station Advisory Group (“SAG”) on Penn Station? <ul style="list-style-type: none"> ○ The agencies have not yet determined how the three committees will work together, but clearly close coordination is critical. That said, the Penn Station committee will be separate from the CACWG and the Public Realm Task Force because it will have members who represent users of Penn Station and will be managed by the MTA. • E.J. Kalafarski, CB5 <ul style="list-style-type: none"> ➤ Does the Governor’s announcement have any effect on the time for the design of the GPP development or any of the transit improvements? <ul style="list-style-type: none"> ○ The timeline for Penn Expansion is not affected by the Governor’s announcement. The focus of her announcement was a renewed commitment to Penn Renovation, which may be able to commence sooner than Penn Expansion, depending on federal review. ➤ Do you know when the development of Site 2 and the design of the new train hall would take place? <ul style="list-style-type: none"> ○ While the Railroads and the federal NEPA review will determine timing of the potential Penn Expansion, ESD would align the RFP process for Site 2 with whatever design and engineering decisions are made regarding a Penn Expansion train hall so that the developer of Site 2 could integrate the train hall into its plan. ○ Petra Messick stated that the Railroads are currently procuring for the design of the Penn Expansion, and the scope for that procurement will include work for platform structures to support an overbuild. Amtrak anticipates that this design process will take the next few years and will run simultaneously with the NEPA environmental review process, which will include public engagement. ➤ Are a new Eighth Avenue entrance and conversion of the Hulu Theater still being considered as part of Penn Reconstruction? <ul style="list-style-type: none"> ○ MTA has not ruled out these options. Of the design options for Penn Reconstruction, only the two-level alternative is no longer being considered. ➤ Does Penn Expansion still allow for the possibility of through-running in the future? <ul style="list-style-type: none"> ○ Penn Expansion would allow for future through-running in the expansion station. ➤ CB5 would not be in favor of renaming Penn Station.

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	<ul style="list-style-type: none"> • Jacob Priley, NYS Senator Hoylman <ul style="list-style-type: none"> ➤ When will we know the new timeline for Penn Reconstruction? <ul style="list-style-type: none"> ○ The Governor’s announcement included an estimated timeline of 4-5 years for Penn Reconstruction. Janno Lieber, Acting Chair and CEO of MTA, stated that MTA’s goal would be to start construction during the window of time after the completion of East Side Access when LIRR starts servicing Grand Central Station in 2022 and before Metro North begins arriving at Penn Station with Penn Station Access. ➤ Senator Hoylman’s office offered to take the lead in coordinating a meeting between ESD and local homeless service provides. • Lowell Kern, CB4 <ul style="list-style-type: none"> ➤ Will the GPP project be subject to New York City ULURP? <ul style="list-style-type: none"> ○ ESD will not take the GPP through ULURP. • Wendy Hilliard, Women’s Sports Foundation <ul style="list-style-type: none"> ➤ Who manages the ADA accessibility at Penn Station? <ul style="list-style-type: none"> ○ The Railroads are working to increase ADA accessibility. There will be new elevators and escalators as part of the Penn Reconstruction, as well as new ADA-accessible station entrances installed as part of the GPP transit improvements. • Raju Mann, NYC Council <ul style="list-style-type: none"> ➤ How will the new working groups actually work together? It seems that inevitably, there will be a need to form a “super committee” to coordinate across all of the individual working groups. <ul style="list-style-type: none"> ○ The structure and working relationships among the committees has not yet been formulated. However, ESD understands that a governance structure will be needed to ensure coherence and will continue to work through governance in consultation with its government and private partners, including looking to past examples of development corporations.

14. **Q&A AND COMMENTS: CACWG #14**

- Tokumbo Shobowale, New School
 - Have you considered yet how ongoing building operations such as loading/unloading, trash removal, and bicycle entry/exit into buildings, will be managed? The operations of the buildings should be managed at a neighborhood level, and not building by building.
 - The Public Realm Task Force will be launched immediately upon GPP approval and will be charged with reviewing, among other things, operational issues that affect the public realm.
 - Barry Langer, Executive VP of Development at VNO, stated that VNO has made an effort to encourage off-hours deliveries for its commercial buildings and expects that this will be increased as new buildings and shared streets come online.
- Jeffrey LeFrancois, CB4
 - The community benefits seem to be spread across Sites 1-3, and yet those sites may not be developed for a decade if at all. Why is that the case?
 - All sites will have new public space and design control requirements that benefit the public with increased public space and transit benefits. In addition, wider sidewalks, shared streets, the underground pedestrian network to Herald Square and north to 34th Street, and more than half of the new station entrances would be located on Sites 4-8.
 - The housing benefits are concentrated in Sites 1-3 because those sites would eventually be publicly owned which would allow ESD to control the uses and program for those sites through one or more RFPs.
 - ESD is looking into how some community and social services can be provided sooner. ESD is currently researching the state of existing services and will collaborate with Senator Hoylman’s office and the community to see how those services can be expanded in the near term.

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	<ul style="list-style-type: none"> ➤ Why wouldn't the developers of the sites be responsible for covering the costs for public transit improvements to increase ADA accessibility? <ul style="list-style-type: none"> ○ Peter Matusewitch, VP at MTA Construction & Development and Project CEO for the PSMP, stated that all entrances at existing Penn Station are planned to be ADA-accessible with further plans to increase ADA-accessibility at the platform levels. ○ The GPP will require developers to include ADA-accessible transit entrances on each site.
• Paul Devlin, CB4	<ul style="list-style-type: none"> ➤ The revisions from ESD address a great number of the community's concerns, and it's good to see the focus has moved from the construction of commercial towers to the streetscape and public realm, but we still need to understand the transportation needs before proceeding. <ul style="list-style-type: none"> ○ NJ Transit remains alarmingly disconnected from this planning process. ○ Sites 1-3 seem to be the sites most critical to meet NJ Transit needs, yet those sites are not part of the most immediate redevelopment, even though these sites offer the greatest community benefits. ○ The GPP seems focused on the Vornado sites, and community benefits such as the large public open space, permanent affordable housing, and community facilities will only materialize if Sites 1 thru 3 are selected as the preferred alternative for Penn Expansion. That puts the community in a position of having to support the southern expansion if it wants these community benefits. ➤ Therefore, CB4 requests that community benefits required on Sites 1-3 also be required on Sites 4-8, including: <ul style="list-style-type: none"> ○ Significant open space (beyond 17%) ○ Community facilities ○ Permanent affordable housing ➤ In addition, CB4 requests that the various public hearings and schedules (MTA, SHPO, EIS, NEPA, etc.) all be consolidated onto one calendar. This calendar should include clear demarcation of what items are included for consideration and which are not.
• Christine Berthet, CB4	<ul style="list-style-type: none"> ➤ What are the transit improvements that will be funded by the GPP? Can we have a list of the transit improvements that will be part of the Penn Station projects? <ul style="list-style-type: none"> ○ A list of the transit improvements planned as part of the Penn Station projects can be found on Slide 4 of the MTA's presentation shown during CACWG #9. ➤ Will the transit improvements be subject to a NEPA process? <ul style="list-style-type: none"> ○ The GPP transit improvements are not subject to NEPA. ➤ Do any of the transit improvements preclude through-running at existing Penn Station? <ul style="list-style-type: none"> ○ Peter Matusewitch replied that none of the planned transit improvements would affect through-running. In addition, the viability of through-running at existing Penn Station will be analyzed in the Alternatives Analysis for the Penn Expansion NEPA review. ➤ The transit entrances at the corner seem too small, and transit entrances should be larger than the building entrances. For large buildings, 90' lobbies are still too large and need to be further reduced to increase active street frontage. It may be beneficial to designate the grounds floors of all building as public space to be controlled by the Public Realm Task Force.
• Dan Biederman, 34 th Street Partnership	<ul style="list-style-type: none"> ➤ While 34th Street Partnership ("34SP") supports the new plan, it does not feel that significant new public space should be part of the plan because these spaces are increasingly challenging to secure and manage in light of public safety issues such as criminal activity and drug use.
• Layla Law-Gisiko, CB5	<ul style="list-style-type: none"> ➤ Will there be a NEPA review for Penn Reconstruction?

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	<ul style="list-style-type: none"> ○ Yes, Penn Reconstruction will undergo a NEPA review. MTA expects that the results of the NEPA review will either be a “categorical exclusion” or an “environmental assessment.” A “categorical exclusion” would mean that Penn Reconstruction is determined not to have any significant environmental impacts, so a full environmental review is not required. An “environmental assessment” requires an environmental review and public hearing to determine whether there will be any significant environmental impacts. ○ For either option, MTA would need to do an assessment of any impact on historic resources. This also involves a public hearing.
	<ul style="list-style-type: none"> ➤ What is counted in the “eight acres” of newly created open space? <ul style="list-style-type: none"> ○ This figure was derived using criteria used for East Midtown and includes widened sidewalks, transit entrances, shared streets, plazas, and additional required circulation and other public space.
	<ul style="list-style-type: none"> ➤ The Governor announced that eminent domain is “off the table.” Can you clarify whether eminent domain is still planned for the southern blocks? <ul style="list-style-type: none"> ○ The GPP does not authorize any condemnation or eminent domain approvals on any site. If the federal authorities, as part of the NEPA process, select Sites 1-3 as the preferred alternative for Penn Expansion, then a public entity (most likely MTA or Amtrak) would acquire Sites 1-3 through negotiated sale and/or condemnation, subject to approvals and all applicable state and/or federal laws.
	<ul style="list-style-type: none"> ➤ Is there a public engagement process as part of the NEPA review of the Seventh Avenue entrance currently being undertaken by Amtrak? <ul style="list-style-type: none"> ○ Amtrak will provide more information on public engagement opportunities in the NEPA process for the Seventh Avenue entrance as it progresses.
•	Marilyn Taylor, UPenn
	<ul style="list-style-type: none"> ➤ How will the Design Guidelines for Sites 1-3 interact with local zoning? <ul style="list-style-type: none"> ○ The Design Guidelines would override the zoning for Site 1-3. However, if Sites 1-3 are selected as the preferred alternative for the Penn Expansion, the Design Guidelines would likely have to be modified once the Expansion is designed to ensure the buildings are integrated with the station.
	<ul style="list-style-type: none"> ➤ ESD and City DOT need to collaborate to make sure the integration of public space and stations is seamless for operations, program and maintenance of the public spaces. <ul style="list-style-type: none"> ○ ESD has been in close consultation with New York City Department of Planning (“DCP”) and City DOT throughout development of the GPP and Design Guidelines. In addition, the Public Realm Task Force would play an important role in coordinating across jurisdictional boundaries. The Task Force would be formed upon GPP approval, and both DCP and City DOT have committed to be a part of it.
•	EJ Kalafarski, CB5
	<ul style="list-style-type: none"> ➤ What are the next steps on the GPP after today, what are the future opportunities for public engagement and feedback? <ul style="list-style-type: none"> ○ There will be a public hearing on the DEIS, draft GPP and proposed revisions on December 8, followed by a public comment period of at least 30 days. After that, ESD will consider all public feedback and potentially further revise the plan before finalizing the EIS, GPP and Design Guidelines for consideration by its Directors.
	<ul style="list-style-type: none"> ➤ Are the Seventh Avenue entrance improvements currently under construction? <ul style="list-style-type: none"> ○ The above-grade elements of the Seventh Avenue entrance improvements, funded by VNO, are currently under construction. The below-grade elements, funded by Amtrak, are currently out for bid and are also undergoing a federal NEPA review under Section 106 for historic preservation review.

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	<ul style="list-style-type: none"> ○ The improvements at the Seventh Avenue entrance undertaken by VNO and Amtrak are not part of the GPP and will not be part of the future NEPA review for Penn Reconstruction or Penn Expansion. ➤ Can you confirm that the MTA is still considering use of the Hulu Theater as a station entrance and that MTA will be moving forward with the single-level alternative for Penn Reconstruction? <ul style="list-style-type: none"> ○ As per the Governor's announcement, MTA is moving forward with plans for the single-level alternative. There will be a NEPA review for this alternative and any other alternatives, which may include the Hulu Theater. The timeline for this NEPA review is not yet determined but it cannot start until completion of the Alternatives Analysis for the Penn Expansion NEPA review which will study the viability of through-running in existing Penn Station as an alternative to Penn Expansion. ○ The Railroads are currently doing preliminary engineering work for the Penn Station Alternatives Analysis and will likely finish this work in Summer 2022, after which the alternatives would be available for public review.
•	Gene Sinigalliano, Resident <ul style="list-style-type: none"> ➤ Can you describe the Penn Expansion alternatives currently being considered? <ul style="list-style-type: none"> ○ MTA is reviewing three alternatives: expansion of Penn Station to the north; expansion of Penn Station underneath existing Penn Station; and expansion of Penn Station to the south. ➤ If a federal agency condemns a property, tenants on those properties will lose their rent stabilization status. This is a problem for all residents, in particular for senior residents. The federal Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Act ("Uniform Act") does not offer the same protections to displaced residents as the New York State law under which rent-stabilized tenants continue to have rent stabilization in their new apartments. For example, the Uniform Act limits assistance to displaced residents to a maximum of \$7,200 for their lifetime. <ul style="list-style-type: none"> ○ Robert Atterbury, Deputy District Director for Community Relations at Rep. Nadler's office, stated that his office is looking into relocation options for rent-stabilized tenants currently occupying Sites 1-3, including those who may not income-qualify to return to one of the newly developed affordable units built through the GPP. ○ Senator Hoylman stated that his office will work with the other electeds and ESD to add language to the GPP to ensure displaced rent-stabilized tenants can maintain their rent stabilization status.
•	Assemblymember Richard Gottfried <ul style="list-style-type: none"> ➤ Since the residential units are primarily located on Sites 1-3, any residential development on those sites will not be ready until relocation, demolition, below-grade station work, and above-grade buildings are completed. Therefore, it appears that new homes will not be ready at the time when the current occupants of Sites 1-3 would be displaced. It would seem preferable to have residential developments be located on Sites 4-8 so that new homes could be ready at the time when residents may be displaced. Can we write into the GPP that new homes will be available for immediate occupancy when residents at Sites 1-3 may be displaced? <ul style="list-style-type: none"> ○ ESD's goal is to commence construction of housing at Site 1A as early as possible to minimize or eliminate, if possible, any lag time between displacement of residents and occupancy of a new apartment for any income-certified residents who choose to return to Site 1A. There is only a small portion of Site 1A impacted by the current Penn Expansion footprint.
•	Elizabeth Goldstein, MAS <ul style="list-style-type: none"> ➤ Will the redrafted DGs be available to the public in advance of the December 8 public hearing? If not, how do you anticipate the changes described today to be incorporated in to the DGs?

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	<ul style="list-style-type: none"> ○ ESD will post a slightly condensed version of tonight's CACWG presentation to the ESD project page for the Penn Station Area Civic and Land Use Project so that the public can review and comment on the proposed changes to the GPP. ESD will not redraft the DGs before the December 8 hearing so that it can incorporate feedback received during the hearing and the comment period. ➤ How can we ensure that there will be a tight coordination and organization between the GPP improvements sponsored by ESD and the transit improvements sponsored by the transit agencies? Do you have advice on how the CACWG can continue to be helpful to ensure that we achieve a truly great station with a coherent set of public realm and transit improvements that benefit the public? <ul style="list-style-type: none"> ○ ESD recognizes the need for close coordination among all the public agencies and a governance structure to oversee the many improvements and changes to Penn Station and the surrounding area. ESD has been in close coordination with MTA, the other Railroads and the City of New York, and will continue to be throughout the process. As a next step, ESD would set up the Public Realm Task Force immediately after final approval of the GPP so that all stakeholders from the community, local elected, ESD, the Railroads and the City of New York can continue conversations started by the CACWG. ○ All three Railroads (MTA, NJT, and Amtrak) are stewards of the Penn Station improvements. The Railroads will be discussing a more formalized governance structure among them and how that structure will interact with the CACWG and the Public Realm Task Force. ● Robert Atterbury, Rep. Nadler's Office <ul style="list-style-type: none"> ➤ When and how will the SAG be formed? <ul style="list-style-type: none"> ○ The Railroads still need to discuss internally and with the Governor the structure, formation, and level of public engagement of the SAG. The Railroads hope to have an update on the SAG before the end of the year. ● Christine Berthet, CB4 <ul style="list-style-type: none"> ➤ Will future PILOT pay for the transit improvements located in the future buildings? <ul style="list-style-type: none"> ○ ESD and MTA will require that the Developers perform some transit improvement at their own cost as a cost of doing business, while some more extensive and substantial improvements, such as the underground pedestrian network, may be funded in part by GPP revenues. ➤ Can you identify in the list of transit improvement which improvements will be required of the Developers to do at their own cost and which may be funded by GPP revenues? <ul style="list-style-type: none"> ○ This will be negotiated in site-by-site development agreements, but in general, required public space including in-building transit entrances would be paid for by developers. ESD and MTA will continue to review the list of required improvements and make further determinations when they commence site-specific negotiations with developers.

15. **CONCLUSION**

- Holly Leicht thanked the CACWG members for their participation and the ESD staff for its work in responding to the CACWG recommendations.
- Marion Phillips closed CACWG #13 & #14.